

To whom it may concern:

Let me first establish my bias as not an XM radio subscriber but as a Washington DC area commuter that travels a few hours daily on local roads and highways. With that disclaimer, it may be apparent I am referring to the matter of HR4026, a House of Representatives bill that which would pose a restriction on my satellite radio provider from offering local traffic and weather services on their nationwide service plans. My belief remains consistent with local stations in that the satellite radio providers should not be able to provide content that may infringe upon local jurisdiction and programming as it can ultimately harm advertising and cause a loss in revenue to a station. However, I feel that the service of a twenty-four hour traffic and weather service is unique and exclusive compared to that which is offered within my listening area in the District of Columbia. Granted, the traffic reports are clearly aimed at a particular demographic and listeners who would once await the half hour or so traffic report will be more likely to turn to a station provided, in this case by XM radio, for a quick and convenient resource- however I do not feel that local station have a protected interest in traffic solely because they happen to cover it intermittently throughout morning and afternoon rush hours. In this sense it would be the same argument that satellite radio mustn't be permitted to provide an all sports station such as ESPNNews (as provided by XM radio) since local stations will be carrying the local team scores every half hour along with the news. Just because the satellite radio source of the traffic is more convenient, it is not unfair for local stations.

Though satellite radio must abide by such obligations similar to that of satellite television with respect to local network affiliates, I believe the product is differentiated enough to be considered a media that would have such a right to carry an all traffic and weather station. Content offered on satellite radio is generally far different than that which one would find on local radio stations, a distinction that separates it from its satellite television cousin who was found in violation of offering national ABC and CBS stations that interfered with local programming provided under the same station name. With satellite radio, morning shows, musical line ups, and in this case traffic information is packaged and presented in a completely different manner than that of standard airwave radio and the technology is one which should be heralded as a new medium and not an alternative to a current one.

I have provided these thoughts as I urge you to consider them with respect to house bill HR 4026. I thank you for your time in this matter and wish you a great day.

Truly,

Jon Phillips